

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER EARL,

Petitioner,

17 CIVIL 8814 (NSR) (JCM)

-against-

**JUDGMENT**

HAROLD GRAHAM,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated March 16, 2021, the Court adopts MJ McCarthy's R & R in its entirety. The petition for a writ of habeas corpus is therefore DENIED. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c)(2); *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005); *Lozada v. United States*, 107 F.3d 1011, 1017 (2d Cir. 1997), *abrogated on other grounds by United States v. Perez*, 129 F.3d 225, 259–60 (2d Cir. 1997). The Court certifies pursuant to 18 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962); accordingly, the case is closed.

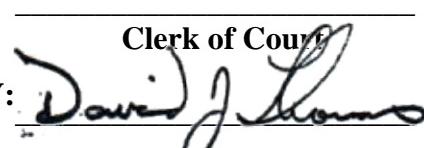
**DATED:** New York, New York

March 17, 2021

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk